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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09,590,320	06-08-2000	Martin J Hannon	D-0023-PC(142-98)	1546

7590 04-24-2002

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EXAMINER

TOOMER, CEPHIA D

ART UNIT	PAPER NUMBER
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1714

DATE MAILED: 04-24-2002

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

Applicant(s)

Examiner

Group Art Unit

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☐ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-24 is/are pending in the application.
- ☐ Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-24 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
 - ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 4
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

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DETAILED ACTION

The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

There is no antecedent support in claim 1 for "the Mooney Scorch value".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

It should be noted that Applicant has not set forth what "substantially absent" means.

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Claims 1-4, 8, 11, 13-18, 20 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Okamoto et al (US 4,687,756).

Okamoto teaches a rubber composition comprising N-substituted piperazylthiuram derivatives. These compounds may be combined with silica and carbon black fillers. The composition may also contain other conventional additives. See col. 1, lines 51-67; col. 2, lines 1-27, 67-68; col. 3, lines 1-56).

Accordingly, Okamoto teaching all the material limitations of the claims anticipates the claims.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

Claims 1-8, 11 and 13-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Blok et al (US 6,242,523).

Blok teaches a rubber composition comprising diene based elastomers. These compositions are used to prepare tire treads (see abstract: col. 3, lines 50-63). The composition also contains from about 30 to about 110phr of a reinforcing filler comprising at least one of silica or carbon black (see col. 3, lines 40-45). The composition also contains from 0.5 to about 4 phr of an accelerator, such as thiuram accelerators (see col. 6, lines 7-43). Conventional additives may also be present in the composition (see col. 6, lines 44-48). In Table 1 the accelerator is tetramethyl thiuram disulfide (see footnote #7 of Table I).

Accordingly, Blok teaching all the material limitations of the claims anticipates the claims.

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(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

Claims 1-8, 11-20 and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Materne et al(US 6,273,163).

Materne teaches a rubber composition (tire tread) comprising 100 parts by weight of at least one diene-based elastomer, such as conjugated dienes co- and homo-polymers and copolymers of conjugated dienes and aromatic vinyl compounds. 10-96 percent of a reinforcing filler, such as carbon black, alumina and silica based fillers selected from precipitated silica, alumino silicate, etc.; an organosilane polysulfide and a vulcanization accelerator, such as alkyl thiuram disulfide (tetramethyl thiuram disulfide. 0.5-4 phr) (see abstract: col. 4, lines 29-46; col.9, lines 42-50; col., lines 13-33 col. 11, lines 30-48; col. 14, lines 20-44). The organosilane polysulfides include compounds such as bis(3-triethoxysilyl propyl) trisulfide (see col.10, lines 59-65).

Accordingly, Materne teaching all the material limitations of the claims anticipates the claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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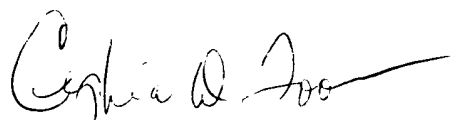
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-7 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Okamoto.

Okamoto has been discussed above. Okamoto fails to teach the claimed amount of filler. However, it would have been obvious to one of ordinary skill in the art to have selected the claimed amounts because these fillers are conventional fillers and it is not inventive to determine the optimum range of these compounds through routine experimentation.

Any inquiry concerning this communication should be directed to Cephia D. Toomer at telephone number (703) 308-2509.



Cephia D. Toomer

Patent Examiner-1714

Examiner Toomer/ng

March 27, 2002